

REMARKS

I. Summary of the Office Action and this Reply

Claims 1-36 are pending in the application. Claims 1-16 and 25-36 stand rejected under 35 U.S.C. 101 as directed to non-statutory subject matter. Further, claims 1-6, 9-10, 17-21, 25 and 29-32 stand rejected over U.S. Patent No. 7,200,658 to Goeller et al. ("Goeller") as anticipated under 35 U.S.C. §102(e). Further, claims 2, 3, 11-13, 18, 19, 22, 23, 27, 28, 33 and 34, asserting that such claims are obvious under 35 U.S.C. §103(a) over Goeller in view of U.S. Patent No. 7,062,572 to Hampton ("Hampton"). Further still, claims 7, 8, 14, 16, 27 and 36 stand rejected under 35 U.S.C. §103(a) as being obvious over Goeller in view of Hampton and U.S. Published Patent Application No. 2003/0023541 to Black et al. ("Black"). Finally, claims 15, 24 and 35 stand rejected under 35 U.S.C. §103(a) as being obvious over Goeller in view of Hampton, Black and U.S. Patent No. 5,950,172 to Klingman ("Klingman").

In this Reply, claims 1, 6-8, 10, 11, 13, 14, 17, 25, 26, and 29-33 are amended for clarity and/or to obviate the rejections presented. No new matter is added.

Applicant does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the Reply. This Reply is intended to be a full and complete response to the Office Action dated January 23, 2009.

II. Brief Discussion of Selected Cited Art

U.S. Patent No. 7,200,658 to Goeller

Goeller discloses a network geo-location system in which a client device must be configured, e.g. by software furnished by a server computer, to issue traceroute (or similar) requests to cause IP address data of network nodes on a route between a client device and a destination server to be sent back to the client device. Goeller, Abstract, col. 2, lines 21-42. A minimum, the addresses of at least two routable (public) hops must be analyzed. Goeller, col. 3, lines 30-31. The client device then forward IP address data from traceroute (or similar) operations to a central server for processing the data. Goeller, col. 2, lines 43-49. The server then references trusted third party databases, such as ICANN's database, to identify geographic location information for the nodes identified by the received IP addresses. Goeller, col. 2, lines 53- col. 3, line 6. Using at least some of the geographic location information thus determined, the server concludes whether the client device is likely within or outside a given geographic area. For example, if four of five returned IP address are determined to be within a geographic area of interest, then the server will conclude that the client device is likely within the geographic area of interest. Goeller, col. 3, lines 17-30.

Thus, Goeller requires data gathering operations performed by specially-configured client devices, sending that data to a special-purpose server for processing, and referencing of trusted third parties' data in order to practice Goeller's technology. Without performing such traceroute, data gathering, and third-party referencing operations, Goeller's teachings are incapable of providing geolocation information.

U.S. Patent No. 7,062,572 to Hampton

Hampton discloses a method and system to determine the geographic location of a network user that involves a mapping server's receipt of mapping requests (requests for maps of specific geographic locations) received from the network user. See Hampton, Abstract; col. 3, lines 50-60. The mapping server stores the mapping request data and corresponding network addresses. For each mapping request falling in a defined geographic region, the network address of the network user issuing the mapping request is associated with the particular geographic region in which the mapping request falls. Hampton, col. 3, line 50 – col. 4, line 5. The mapping server may then analyze the stored mapping requests and network addresses to determine which clusters or groupings of network addresses may be associated with particularly geographic regions, based on those geographic regions having the majority of occurrences of the particular network address. Hampton, col. 4, lines 5-12.

III. Response to 102 Rejections

Claims 1-6, 9-10, 17-21, 25 and 29-32 stand rejected under 35 U.S.C. §102(e) over Goeller. Applicants respectfully traverse the rejection.

A rejection under 35 U.S.C. §102 is proper only if each and every element of the claim is found in a single prior art reference. MPEP § 2131.

Independent claim 1 is directed to a computer-implemented method of predicting the geographic location of a user of a communication network based on the user's network address. The method comprises obtaining and storing data purportedly disclosing respective geographic locations of a plurality of users, and obtaining and storing a respective network address for each of the plurality of users. Further, the

method involves generating predictive data by correlating geographic location data for a plurality of different users to network addresses, and then identifying a predicted geographic location for a particular user as a function of a network address used by the particular user, by referencing the predictive data correlated from data compiled from multiple users. Specifically, claim 1 recites:

operating the processor of the computer system to correlate the stored geographic location data with the stored network address data and to generate predictive data identifying a predicted geographic location for a network address based on the stored geographic location data for multiple users;
storing the predictive data in the memory; and
operating the processor to reference the predictive data stored in the memory and to identify a predicted geographic location of a particular user of the communications network as a function of a network address through which the particular user accesses the communications network.

Accordingly, geographic locations of multiple users are correlated to network addresses to generate predictive data, and a network address used by a user can be used as a key to reference the predictive data and identify a corresponding predicted geographic location for the single user.

This is neither taught nor suggested by Goeller. In sharp contrast to the claimed method, Goeller discloses requiring each client device to perform a traceroute (or similar) function to gather IP addresses of nodes from network hops along a communication path to/from a specific client device, and further discloses referencing a third party database to identify geographic locations of the nodes' IP addresses, and drawing a conclusion as to the likely geographic location of that particular client device as a function of the geographic locations of the nodes that are relatively "close" to the client device in the network as determined by the locations of nodes associated with the network hops. Accordingly, Goeller requires data-gathering operations performed by specially-configured client devices, sending that data to a special-purpose server for

processing, and referencing of trusted third parties' data in order to practice Goeller's technology. Without performing such traceroute, data-gathering, and third-party referencing operations, Goeller's teachings are incapable of providing geolocation information.

Thus, Goeller has a principle of operation that is entirely different from that of the claimed method. Goeller neither teaches nor suggests, nor otherwise renders obvious, correlating stored geographic location data with stored network address data and generating predictive data identifying a predicted geographic location for a network address based on the stored geographic location data for multiple users. Further, Goeller neither teaches nor suggests, nor otherwise renders obvious, referencing predictive data to identify a predicted geographic location of a particular user as a function of a network address through which the particular user accesses the communications network. Rather, Goeller simply teaches identifying geographic locations of nodes on a communication path to/from a client node, and concluding whether the client device is in a geographic region as a function of whether or not the node locations are within the geographic region. Goeller, col. 2, lines 53- col. 3, line 30. Goeller does not generate predictive data. Goeller does not correlate multiple users' geographic location data to a single network address.

Claims 2-6 and 9-10 depend from claim 1. Independent claim 17 includes similar recitations. Claims 18-21 depend from claim 17. Independent claim 25 includes similar recitations. Claims 29-32 depend from claim 25.

For at least these reasons, reconsideration and withdrawal of the rejection of claims 1-6, 9-10, 17-21, 25 and 29-32 are requested respectfully.

IV. Response to 103 Rejections

It is well-established that for a proper rejection under section 103, all claim limitations must be taught or suggested, or otherwise rendered obvious, by the prior art.

Claims 2, 3, 7, 8, 11-16, 18, 19, 22, 23, 24, 26-28, and 33-36 stand rejected as obvious under 35 U.S.C. §103(a) over combinations of Goeller, Hampton, Black and Klingman. Because these claims depend from claims believed allowable, as discussed above, Applicants respectfully traverse the 103 rejections. For at least this reason, reconsideration and withdrawal of the rejections of claims 2, 3, 7, 8, 11-16, 18, 19, 22, 23, 24, 26-28, and 33-36 are requested respectfully.

Further, with respect to the rejections over Goeller, Hampton and Black, there is no motivation or reason to combine the teachings of Black, relating to website-enabled purchase transactions, with the teachings of Goeller and Hampton, relating to geolocation techniques. The cited art is devoid of such a motivation or reason. Any motivation or reason for the proposed combination is found only in Applicant's disclosure. Accordingly, Applicants respectfully submit that the Examiner has used impermissible hindsight in combining the references. Further, the proposed combination asserted in paragraph 26 fails to teach or suggest all claim limitations and is thus deficient, in that the proposed combination amounts only to the traceroute, etc.-based technique of Goeller and/or the mapping request-based technique of Hampton in which a particular buyer/user's address is known to the system. The proposed combination does not amount to the claimed subject matter, which involves using self-reported information to generate predictive data to be referenced for the purpose of making a geolocation determination, as claimed. Goeller, Hampton and Black, alone or

in combination, fail to teach or suggest, or otherwise render obvious, the claimed subject matter.

For at least these additional reasons, reconsideration and withdrawal of the rejections of claims 7, 8, 9, 13, 14, 16, 21, 29-31 and 36 are requested respectfully.

CONCLUSION

In view of the foregoing amendments and remarks, this application is now in condition for allowance. Applicant respectfully requests the Examiner to issue a Notice of Allowance at the earliest possible date. The Examiner is invited to contact Applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,

Dated: April 17, 2009

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